

JAN. 18. 2005 5:09PM

BKSB COM

NO. 5186 P. 1

650 Town Center Drive, Suite 620
Costa Mesa, CA 92626-1925
Phone: (714) 708-8555
Fax: (714) 708-8565

**Birch, Stewart,
Kolasch & Birch, LLP**

BEST AVAILABLE COPY

**RECEIVED
CENTRAL FAX CENTER**

JAN 18 2005

Fax

To:	MS Missing Parts	From:	Leonard R. Svensson
Fax:	(703) 872-9306	Pages:	12 including cover sheet
Phone:		Date:	January 18, 2005
Your Ref.:	10/817,155	Our Ref.:	0459-0741PUS2
Re:	Letter Submitting Documents for Completion of an Application		
CC:			

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If your receipt of this transmission is in error, please notify this firm immediately by collect call to (714) 708-8555, and send the original transmission to us by return mail at the address above.

● **Comments:** Attached are the following:

- Letter Submitting Documents for Completion
- Response to Notice to File Missing Parts of Non-Provisional Application
- Copy of Stamped Dated Postcard
- Copy of Notice to File Missing Parts of a Non-provisional Application

JAN 18 2005

MS MISSING PARTS
PATENT
0459-0741PUS1

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Morton Sloth Weidner Conf.: 1184
Appl. No.: 10/817,155 Group:
Filed: April 2, 2004 Examiner:
For: CHEMICAL COMPLEX COMPRISING A PYRIDINE
CARBOXY DERIVATIVE AND AN H2 HISTAMINE
RECEPTOR ANTAGONIST

THIS IS NOT A NEW PATENT APPLICATION

LETTER SUBMITTING DOCUMENTS
FOR COMPLETION OF AN APPLICATION
PURSUANT TO 37 C.F.R. § 1.53(f) and/or § 1.53(d)

MS MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 18, 2005

Sir:

The application papers for the above-identified application were originally filed on April 2, 2004 and the application was assigned Appl. No. 10/817,155.

DOCUMENTATION

- ☐ Under the provisions of 37 C.F.R. §§ 1.41(c) and 1.53(f), attached hereto is the executed Declaration of the inventor(s) (☐ original ☐ photocopy), necessary for completing the filing requirements in connection with the above-identified application.
- ☐ Under the provisions of 37 C.F.R. §§ 1.41(c) and 1.53(f), attached hereto is the executed Declaration that was attached

Appl. No. 10/817,155

to the specification at the time of execution. The attached specification is a true copy of the specification that was filed in the U.S. Patent and Trademark office on April 2, 2004, including any amendments thereto (if applicable) filed on even date therewith.

- ☐ The undersigned hereby declares that "Attorney Docket No. 0459-0741PUS1 " on page 1 of the attached inventors' Declaration, corresponds to Appl. No. 10/817,155, filed April 2, 2004, entitled "CHEMICAL COMPLEX COMPRISING A PYRIDINE CARBOXY DERIVATIVE AND AN H2 HISTAMINE RECEPTOR ANTAGONIST."
- ☒ Attached is a copy of the Notice to File Missing Parts of Nonprovisional Application.
- ☐ Attached is an English language translation of the above-identified application that was filed in a foreign language, which should be used as the copy for examination purposes.
 - ☐ See the attached Translator's Verification; or
 - ☐ The undersigned states that the English translation attached hereto is a true and correct translation of the application as originally filed in a foreign language.
- ☐ Attached are _____ () sheet(s) of drawings. Please substitute these corrected drawings for the corresponding _____ () sheets of drawings on file in the above-identified application.
- ☐ Attached are substitute claims commencing on a separate sheet in accordance with 37 C.F.R. § 1.75(h).
- ☐ Attached is a substitute abstract commencing on a separate sheet in accordance with 37 C.F.R. § 1.72(b).
- ☐ Attached is a substitute specification that complies with 37 C.F.R. § 1.52. The substitute specification does not contain new matter.

Appl. No. 10/817,155

- ☒ Applicant claims small entity status under 37 C.F.R. § 1.27.
- ☐ Submitted concurrently herewith under separate cover for recording is an Assignment.
- ☒ Attached is a Response to Notice to File Missing Parts of Non-Provisional Application.

FEES

The Government Filing Surcharge(s) (37 C.F.R. § 1.16(e) and/or § 1.17(k)) and the basic Government Filing Fee(s) (37 C.F.R. § 1.16(a)-(d), if applicable) is/are attached hereto and calculated as follows:

- ☒ Basic Filing Fee(s): \$395.00 (37 C.F.R. § 1.16(a)-(d))
- ☐ The Government Filing Surcharge under 35 U.S.C. § 1.16(e) for late filing of filing fee, oath and/or declaration:
- ☐ Large Entity - \$130.00 ☐ Small Entity - \$ 65.00
- ☐ The Government Filing Surcharge under 37 C.F.R. § 1.17(i) for filing of translation of non-English Specification in the amount of \$130.00:
- ☐ was previously paid for concurrently with the filing of the application on .
- ☐ is attached hereto.
- ☐ Application Size Fee in the amount of \$0.00, calculated as follows: (for submission of Translation of Specification or Substitute Specification and Drawings)

			LARGE ENTITY	SMALL ENTITY
SHEETS OF SPEC & DWG	-100 =	0	0 x 250 = \$0	0 x 125 = \$0

Appl. No. 10/817,155

- ☒ Additional claim fee(s) under 37 C.F.R. § 1.16(b)-(d) in the amount of \$955.00; which have been calculated as follows:

	CURRENT NUMBER OF CLAIMS		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA	RATES	ADDITIONAL FEE
TOTAL	51	-	20	=	0	\$50 (large)	\$775.00
INDEPENDENT	1	-	3	=	0	\$200 (large)	\$0.00
<input checked="" type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM						\$360 (large)	\$180.00
						TOTAL	\$955.00

- ☐ No extension fee is required because the undersigned has not yet received the Notice to File Missing Parts of Nonprovisional Application. However, if for some reason it is determined that an extension of time is necessary, applicant hereby respectfully petitions for an extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17.
- ☒ Applicant hereby respectfully petitions for a five (5) month(s) extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17. The required fee of \$1,080.00 is attached hereto.
- ☒ Applicant hereby submits the basic filing fee of \$395 for a small entity application.
- ☐ Check(s) in the amount of \$0.00 to cover the basic filing fee(s), surcharge fee(s), additional claim fee(s), and any extension of time fee(s) (if applicable) is/are enclosed.

Appl. No. 10/817,155

- ☒ Please charge Deposit Account No. 02-2448 in the amount of \$2,430.00.
- ☐ No fee(s) required.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Kalpana Reddy #46,183
Leonard R. Svensson, #30,330

LRS/KR/sbp
0459-0741PUS1

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s)

Certificate of Transmission
I hereby Certify that this correspondence is being
facsimile transmitted to the Patent and
Trademark Office:
On January 18, 2005
[Signature] Date
[Signature] Signature
Sandra B. Pauls
Typed or printed name of person signing certificate



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1459
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/817,155	04/02/2004	Morten Sloth Weidner	0459-0741PUS2

CONFIRMATION NO. 1184

02292

BIRCH STEWART KOLASCH & BIRCH
 PO BOX 747
 FALLS CHURCH, VA 22040-0747

FORMALITIES LETTER



OC000000012993037

Date Mailed: 06/18/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$848** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1748** for a Large Entity

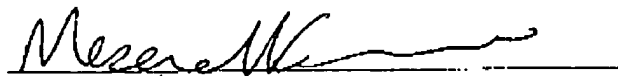
- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

* Total additional claim fee(s) for this application is \$848

- \$558 for 31 total claims over 20.
- \$290 for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE